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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 CASEY ROBERTS, Individually and On Behalf
14 of All Others Similarly Situated,

15 Plaintiff,

16 v.

17 ZUORA, INC., TIEN TZUO, and TYLER
18 SLOAT,

19 Defendants,

Case No.: 3:19-CV-03422-SI

20 **ADMINISTRATIVE MOTION TO**
21 **CONSIDER WHETHER CASES SHOULD**
22 **BE RELATED**

23 Date Filed: June 14, 2019
24 Judge: Susan Illston

25 [Caption continued on next page]

1 ANDREW LICHTER, derivatively on behalf of
2 ZUORA INC.,

3 Plaintiff,

4 v.

5 TIEN TZUO, TYLER SLOAT, PETER
6 FENTON, KENNETH A. GOLDMAN,
7 TIMOTHY HALEY, JASON PRESSMAN,
8 MICHAELANGELO VOLPI, and
9 MAGDALENA YESIL,

10 Defendants,

11 and

12 ZUORA, INC.,

13 Nominal Defendant.

Case No.: 3:19-CV-05701-WHA

Date Filed: September 10, 2019
Judge: William Alsup

14 KEITH BEAVEN, derivatively on behalf of
15 ZUORA, INC.,

16 Plaintiff,

17 v.

18 TIEN TZUO, TYLER SLOAT, PETER
19 FENTON, KENNETH A. GOLDMAN,
20 TIMOTHY HALEY, JASON PRESSMAN,
21 MICHAELANGELO VOLPI, and
22 MAGDALENA YESIL,

23 Defendants,

24 and

25 ZUORA, INC.,

26 Nominal Defendant.
27
28

Case No.: 3:19-CV-05702-JCS

Date Filed: September 10, 2019
Magistrate Judge: Joseph C. Spero

Pursuant to Civ. Loc. R. 3-12, Plaintiffs Andrew Lichter and Keith Beaven request this Court deem the matters of *Lichter v. Tzuo, et al.*, Case No. 3:19-CV-05701-WHA (N.D. Cal.) and *Beaven v. Tzuo, et al.*, Case No. 3:19-CV-05702-JCS (N.D. Cal.) (“Derivative Actions”) related to *Roberts v. Zuora, Inc. et al.*, Case No. 3:19-CV-03422-SI (N.D. Cal.) (“Class Action”). As discussed below, the criteria for relation are met here. These actions concern substantially the same parties, substantially identical facts and underlying agreements, and “it appears likely that there will be an unduly burdensome duplication of labor and expense” if these cases are tried separately. Therefore, relation is proper under Civ. Loc. R. 3-12.

The following actions were filed in the following order:

| <u>Abbreviated Case Name</u> | <u>Case Number</u> | <u>Date Filed</u> |
|--------------------------------------|--------------------|-------------------|
| <i>Roberts v. Zuora, Inc. et al.</i> | 3:19-CV-03422-SI | 06/14/2019 |
| <i>Lichter v. Tzuo, et al.</i> | 3:19-CV-05701-WHA | 09/10/2019 |
| <i>Beaven v. Tzuo, et al.</i> | 3:19-CV-05702-JCS | 09/10/2019 |

LEGAL STANDARD

Pursuant to Civ. Loc. R. 3-12(a), actions are defined as related when: (1) they “concern substantially the same parties, property, transaction or event;” and (2) “[i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Civ. Loc. R. 3-12(a).

ARGUMENT

Both criteria are met here. The Class Action and the Derivative Actions address some of the same transactions and similar and overlapping sets of facts and involve some of the same parties. Specifically, the Class Action and the Derivative Actions arise, at least in part, from similar false and misleading statements made by executives of Zuora, Inc. (“Zuora”). In particular, the Class Action and Derivative Actions allege materially misleading statement and filings by executives of Zuora regarding the subscription-based RevPro’s integration and its limited demand.

Given the similarities between these cases and the fact that these cases are pending in this District, treating the cases as related would serve the interests of judicial economy and avoid the potential for conflicting rulings on common issues. Because the requirements of Loc. R. 3-12 are met, relation is appropriate. *In re Leapfrog Enterprises Inc. Sec. Litig.*, No. C 03 05421 RMW, 2005 WL 5327775, at *1 (N.D. Cal. July 5, 2005) (relating cases where the cases concerned the same defendants, similar factual allegations, and similar causes of action).

CONCLUSION

For the above stated reasons, Lichter and Beaven respectfully request that pursuant to Civ. Loc. R. 3-12, the Court relate *Lichter v. Tzuo, et al.*, Case No. 3:19-CV-05701-WHA (N.D. Cal.) and *Beaven v. Tzuo, et al.*, Case No. 3:19-CV-05702-JCS (N.D. Cal.) to *Roberts v. Zuora, Inc. et al.*, Case No. 3:19-CV-03422-SI (N.D. Cal.).

Dated: October 25, 2019

Respectfully submitted,

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/s/Laurence M. Rosen

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the Electronic Mail Notice for this action.

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